

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BRAUN GmbH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-CV-12428-WGY
)	
RAYOVAC CORPORATION,)	
)	
Defendant.)	
)	
)	
)	
)	

**UNOPPOSED MOTION OF DEFENDANT RAYOVAC CORPORATION FOR LEAVE
TO FILE A SURREPLY BRIEF ON CLAIM CONSTRUCTION**

Pursuant to Local Rule 7.1(B)(3), Defendant Rayovac Corporation (“Rayovac”), by its attorneys, hereby moves this Court for leave to file its Surreply Brief on Claim Construction.

Rayovac seeks leave to file a surreply memorandum for consideration by the Court relating to its Brief on Claim Construction. Rayovac believes that a full briefing on the issue of claim construction will be of assistance to the Court.

Counsel for Plaintiff Braun GbmH does not oppose this motion.

WHEREFORE, Defendant Rayovac Corporation submits this motion for leave to file its surreply and respectfully requests that the Court allow the filing of the aforementioned Surreply Brief on Claim Construction.

Respectfully submitted,

RAYOVAC CORPORATION

By its attorneys,

/s/ Joseph E. Haviland
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Dated: January 19, 2005

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that on January 19, 2004, counsel for Defendant Rayovac Corporation conferred with counsel for Plaintiff Braun GmbH, Dalila Arguez Wendlandt, relating to this motion. Plaintiff's counsel indicated that Plaintiff Braun GmbH did not oppose the filing of this motion.

/s/ Joseph E. Haviland
Joseph E. Haviland